

Attachment to Independent Case Review Report  
For CDRU # 995 Case file # 95-HQ-296661.

Material Examiner: Malone (RO)

Remarks:

Case resulted in trial, transcript available.

CRM - 13627

# INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: Steve Robertson

Area(s) of Expertise: Hair and Fiber

Review commenced at: 4:15 PM (Time), 03/13/2001 (Date)

File #: 95-296661

Laboratory #(s): 10111040  
\_\_\_\_\_  
\_\_\_\_\_

## Examiner(s) & Symbols

	Reviewed	Not Reviewed	Reviewed	Not Reviewed
<u>RQ</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Materials Reviewed

Trial testimony transcript(s) of: Michael Malone

Testimony Date(s): unknown Pages: 200-232

## Laboratory Report(s):

Laboratory Number: 10111040 Date: March 8, 1991

Laboratory Number: \_\_\_\_\_ Date: \_\_\_\_\_

Laboratory Number: \_\_\_\_\_ Date: \_\_\_\_\_

Examiner Bench Notes of: RQ

Laboratory Number: 10111040  
\_\_\_\_\_  
\_\_\_\_\_

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Initials: SR

**CRM - 13628**

Was any other material reviewed?  Yes  No

If yes, please identify and/or describe the material: Submitting agency letter (dated 8-27-90)

### Results of Review

File #: 95-296661 Item or Specimen # Reviewed: Q1-Q86, K1-K21

#### Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?  
 Yes  No  Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?  
 Yes  No  Unable to Determine

#### Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- Transcript not available.
- 3) Testimony consistent with the laboratory report(s)?  Yes  No  Unable to Determine
  - 4) Testimony consistent with the bench notes?  Yes  No  Unable to Determine
  - 5) Testimony within bounds of examiner's expertise?  Yes  No  Unable to Determine

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Initials: SMA

Comments

(Set forth by above question #, if applicable.  
Use "Additional Comments" Sheet, if needed)

File #: 95-296661

#1: With microscopic hair examination, even with the best notes, there is no way to determine the examination was performed correctly.

#2: The examination results set forth in the laboratory report are supported by the bench notes, but the documentation is marginally adequate. The notes are not dated or initialed and are in pencil.

The bench notes indicate the Caucasian head hair recovered from Q50a (debris from suspect Mathis' shirt) was not compared to the victim's hair standard. The notes also indicate the two Caucasian head hair recovered from Q51 (debris from suspect Mathis' shoes) did not match the victim's hair standard. The laboratory report for items Q50a and Q51 does not agree with the bench notes.

Review completed at: 8:30 AM (Time), 03/14/2001 (Date)

Total time spent conducting review (to nearest 1/4 hour): 1:15 hours

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 4 pages.

*Steve Robertson*  
(Signature)

03/14/2001

(Date)

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Initials: *SR*

Additional Comments  
(Set forth by question #, if applicable)

File #: 95-296661

#2 (continued):

The bench notes indicate item K2 as being head hair, but the report states item K2 is the pubic hair sample from John Smith.

The report states hair examinations on items Q56-Q60 were discontinued per the telephone call with Investigator  but no record of this telephone call could be found in the documentation provided to this reviewer. b6  
b7c

The examination and identification of the wood particles was not reviewed.

#3, #4, #5: The transcript deals exclusively with the identification of wood particles. This reviewer is not qualified to review this testimony.

Initials: SM

Attachment to Independent Case Review Report  
For CDRU # 995 Case file # 95-296661.

Material Examiner Malone (RO)

Remarks:

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# INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: \_\_\_\_\_

b6  
b7c

Area(s) of Expertise: Wood Examinations

Review commenced at: 10:10 am (Time), 5/22/03 (Date)

File #: 95-296661

Laboratory #(s): 910111040 RQ  
 \_\_\_\_\_  
 \_\_\_\_\_

### Examiner(s) & Symbols

	Reviewed	Not Reviewed		Reviewed	Not Reviewed
<u>Michael Malone RQ</u>	x	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

### Materials Reviewed

Trial testimony transcript(s) of: \_\_\_\_\_

Testimony Date(s): \_\_\_\_\_ Pages: \_\_\_\_\_

**Laboratory Report(s):**

Laboratory Number: 910111040 S RQ Date: 3/11/1991  
 Laboratory Number: 910111040 S RQ Date: 3/8/1991  
 Laboratory Number: \_\_\_\_\_ Date: \_\_\_\_\_

Examiner Bench Notes of: Michael Malone

Laboratory Number: 910111040 S RQ  
 \_\_\_\_\_  
 \_\_\_\_\_

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Initials: MAC

CRM - 13629

Was any other material reviewed?  Yes  No

If yes, please identify and/or describe the material: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Results of Review

File #: 95-296661

Item or Specimen # Reviewed: \_\_\_\_\_

#### Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?  
 Yes  No  Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?  
 Yes  No  Unable to Determine

#### Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- Transcript not available.
- 3) Testimony consistent with the laboratory report(s)?  Yes  No  Unable to Determine
  - 4) Testimony consistent with the bench notes?  Yes  No  Unable to Determine
  - 5) Testimony within bounds of examiner's expertise?  Yes  No  Unable to Determine

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Initials: KAC



Comments

(Set forth by above question #, if applicable.  
Use "Additional Comments" Sheet, if needed)

File #: 95-296661

1) The notes do not indicate what methods were used to make the test impression of the wood or what characteristics were examined to determine that some of the pieces of wood are soft wood vs hard wood and hard pines

2) The notes only indicate that a test impression was made of the Q65 board, not that it was compared to another sample.

4) There are limited notes regarding an impression made of the Q65 board but no mention that it was compared to another impression. Notes do not indicate an identification of the wood species. See transcript p 20 line 4.

5) Unable to determine due to the lack of notes whether the examiner testified within the bounds of his expertise. With regard to the impression, the question remains if this examination was a scientifically valid examination.

Review completed at: 11:15pm (Time), 5 / 22 / 2003 (Date)

Total time spent conducting review (to nearest 1/4 hour): 1 1/4 hours

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 3 pages.

b6  
b7C



(Signature) /

5/22/03

(Date)

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Initials: VKL

Additional Comments